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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/766,964
Filing Date: January 29, 2004
Appellant(s): MARGILOFF ET AL.

Margiloff et al.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/11/2009 appealing from the Office action mailed 9/12/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

7,222,303 B2	Oren et al.	5-2007
2007/0192725 A1	Chen et al.	8-2007
2004/0061720 A1	Weber, Matt	4-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oren et al. (hereinafter "Oren"), U.S. Patent No. 7,222,303 B2 in view of Chen et al. (hereinafter "Chen"), U.S. Publication No. 2007/0192725 A1.

Claim 1:

Oren teaches **a method of facilitating use of a graphical user interface search bar, comprising: initially displaying to a user a web page along with a web browser search bar, the web browser search bar including:** (see abstract, col. 2 lines 14-29, Figure 10)

- (i) an initial set of toolbar buttons and** (see col. 2 lines 20-22, Figure 10)
- (ii) a search feature user input portion usable to enter a search term to be transmitted to a remote search engine via a communication network,** (see Figure 10; e.g. search box for transmitting search terms to remote search engines via Internet)

wherein the initial set of tool bar buttons is displayed to the user without displaying to the user a subsequent set of toolbar buttons in the search bar; (see col. 2 lines 20-22, Figure 10)

receiving a single indication from the user, the single indication being received via one of the initial set of toolbar buttons in the searchbar; (see col. 2 lines 3-13, lines 30-44, lines 57-67; e.g. selectable toolbar buttons).

Oren teaches replacing the initial set of toolbar buttons with the subsequent set of toolbar buttons in the searchbar such that (i) the initial and subsequent sets of toolbar buttons are not simultaneously displayed to the user in the searchbar (see col. 2 lines 45-56, Figures 10 and 11).

Oren fails to expressly teach responsive to receiving single indication via one of the initial set of toolbar buttons in the searchbar, replacing the initial set of toolbar buttons with the subsequent set of toolbar buttons in the searchbar such that (i) the initial and subsequent sets of toolbar buttons are not simultaneously displayed to the user in the searchbar.

However, Chen teaches a toolbar having a scroll control capable of replacing an initial set of toolbar buttons with a subsequent set of toolbar buttons via scrolling buttons on and off the toolbar (see par. 23). **(claim 1; i.e., responsive to said receiving of the single indication from the user, replacing the initial set of toolbar buttons with the**

subsequent set of toolbar buttons in the searchbar such that (i) the initial and subsequent sets of toolbar buttons are not simultaneously displayed to the user in the searchbar)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the searchbar as taught by Oren to include a scroll control as taught by Chen to provide the benefit of allowing a user to access toolbar buttons despite limited space on a display (see Chen; par. 2-3, par. 23).

Oren teaches **(ii) the search feature user input portion remains displayed to the user along with the subsequent set of toolbar buttons** (see Figures 10 and 11; e.g. search box).

Claim 2:

Oren teaches **displaying to the user additional sets of toolbar buttons in the searchbar in response to additional received indications** (see col. 2 lines 3-67; Figures 10 and 11).

Claim 3:

Oren in view of Chen teaches **wherein the initial set of toolbar buttons is replaced without changing the web page and further wherein each toolbar button within the initial set of toolbar buttons is related to a common class of**

functionality (see Oren; col. 2 lines 20-22, lines 57-67, Figure 10) (see Chen; par. 2-3, par. 23).

Claim 4:

Oren teaches **wherein each toolbar button within the subsequent set of toolbar buttons is related to a common class of functionality** (see col. 2 lines 53-56, lines 57-67, Figure 11).

Claims 13-16:

Claims 13, 14, 15 and 16 are apparatus claims and are substantially encompassed in method claims 1, 2, 3, 4 respectively; therefore the apparatus claims are rejected under the same rationale as method claims 1, 2, 3, 4 above.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oren in view of Chen as cited above, in further view of Weber, U.S. Publication No. 2004/0061720 A1.

Claim 21:

Oren teaches **wherein the instructions are further adapted to be executed by the processor to: determine a query input from the user via the search feature user input portion;** (see Figure 10; e.g. search box for transmitting search terms to remote search engines via Internet)

display a first search result to the user, the first search result being associated with the query input and further being received from a first remote search engine via the communication network; (see col. 2 lines 14-67, Figures 10 and 11; e.g. web content is interpreted as "first search result" from a first remote search engine).

receive a first additional single indication from the user, the first additional single indication being received via the a first toolbar button in the searchbar; (see col. 2 lines 3-13, lines 30-44, lines 57-67; e.g. searchbar is capable receiving indications via buttons)

Oren teaches responsive to receiving indications via search bar and corresponding pop-up window, displaying a second or third search result from a second or third search remote engine, respectively (see col. 2 lines 14-67, Figures 10 and 11 e.g. "Search Engines").

Oren in view of Chen fails to expressly teach responsive to receiving indications via first toolbar button, displaying a second or third search result from a second or third search remote engine, respectively.

However, Weber teaches a multiple search engine toggle feature within a searchbar capable of displaying a second or third search result from a second or third search remote engine, respectively (see abstract, par. 9, par. 19, Figures 1A-1D – the search result being associated with the query input e.g. Fishing in Figure 1B). (**claim**

21; i.e., responsive to said receiving of the first additional indication from the user, display a second search result to the user, the second search result being associated with the query input and further being received from a second remote search engine via the communication network; receive a second additional single indication from the user, the second additional single indication being via the first toolbar button in the searchbar; and responsive to said receiving of the second additional from the user, display a third search result to the user, the third search being associated with the query input and further being received from a third remote search engine via the communication network.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the searchbar as taught by Oren in view of Chen to include a multiple engine toggle switch feature as taught by Weber to provide the benefit of accessing multiple online categorized search engine services and search the services directly from the browser (see Weber; par. 19).

(10) Response to Argument

Claims 1-4 and 13-16

Appellants notes that claim 1 specifically recites “a search feature user input portion usable to enter a search term to be transmitted to a remote search engine via a communication network, wherein the initial set of tool bar buttons is displayed to the user without displaying to the user a subsequent set of toolbar buttons in the

searchbar," "receiving a single set of toolbar buttons with the subsequent set of toolbar buttons in the searchbar," "receiving a single indication from the user, the single indication being received via one of the initial set of toolbar buttons in the searchbar," and "responsive to ...receiving...,replacing the initial set of toolbar buttons with the subsequent set of toolbar buttons in the searchbar such that ...the search feature user input portion remains displayed to the user along with the subsequent set of toolbar buttons." (emphasis added). Appellants appear to argue that the combination of Oren in view of Chen fail to render obvious the recited feature emphasized above.(see Brief; page 5)

Examiner respectfully disagrees.

Oren's Figure 10 illustrates an initial set of toolbar buttons. For example, "directories", "search engines", "shopping", "chat", "freebies" and "communities" are an initial set of toolbar buttons.

Oren's Figure 10 also illustrates a search feature user input portion as recited in the claims. **(claim 1; i.e., a search feature user input portion usable to enter a search term to be transmitted to a remote search engine via a communication network)**

Oren's Figure 11 illustrates a subsequent set of toolbar buttons. For example, "games", "video games", "gambling", "playstation", "board games" and "toys" are a subsequent set of toolbar buttons.

Despite Oren's Figure 11, Examiner notes that the claim language **does not require** each toolbar button in the subsequent set to be different from each toolbar button in the initial set. For example, the subsequent set may have only one toolbar button that is different from the initial set.

Examiner further notes that the claim language **does not require** a subsequent set to have the same number of toolbar buttons as an initial set. For example, an initial set may have four toolbar buttons and a subsequent set may have only two toolbar buttons.

Therefore, in respect to Appellants interpretation (i.e., For example, a user might click on a button which is part of a set of financial toolbar buttons. A result, those buttons would be removed (including the button clicked on by the user). see Brief; p.5), Examiner submits that the claim language **does not necessitate** that each toolbar button in the initial set be removed when the subsequent set replaces the initial set. In other words, the claim language **does not preclude a partial replacement of the initial set.** For example, when the initial set has four toolbar buttons (e.g. "shopping", "chat", "freebies" and "communities") and the subsequent set has two toolbar buttons (e.g. "gambling", "playstation"), replacing the initial set of toolbar buttons with the subsequent set of toolbars buttons as recited in the claims does not require both sets to have the same number of toolbar buttons. Therefore, after the replacement, the new set would be "gambling", "playstation", "freebies" and "communities". Examiner notes that "freebies" and "communities" are still displayed as a toolbar buttons. Examiner further notes that "freebies" and "communities" are not the initial set because the initial set had

four toolbar buttons. In addition, the present application explicitly recites "In other embodiments, the subsequent set may only partially replace the initial set or may be provided in addition to the initial set." (see page 9 lines 6-7).

Oren's Figure 10 illustrates the initial set of tool bar buttons displayed without a subsequent set. **(claim 1; i.e., wherein the initial set of tool bar buttons is displayed to the user without displaying to the user a subsequent set of toolbar buttons in the searchbar)**

Oren's Figure 10 also illustrates the initial set having selectable toolbar buttons **(claim 1; i.e., receiving a single indication from the user, the single indication being received via one of the initial set of toolbar buttons in the searchbar;)**

Oren teaches replacing the initial set of toolbar buttons with the subsequent set of toolbar buttons in the searchbar such that (i) the initial and subsequent sets of toolbar buttons are not simultaneously displayed to the user in the searchbar (see col. 2 lines 45-56, Figures 10 and 11). Figure 10 illustrates an initial set. Figure 11 illustrates a subsequent set. It is clear by the Figures that the initial and subsequent sets are not displayed simultaneously. As noted above, replacing only one toolbar button from the initial set (i.e., replacing with subsequent set that has only one toolbar button) is sufficient to change the initial set into a new set. In relation to the example provided above, "freebies" and "communities" are not the initial set because the initial set had four toolbar buttons (i.e., "shopping", "chat", "freebies" and "communities"). The new set (i.e., "gambling", "playstation", "freebies" and "communities") displays the subsequent

set (e.g. "gambling", "playstation") and not the initial set. Therefore, the initial and subsequent sets are not displayed simultaneously.

Oren fails to expressly teach **responsive to receiving single indication via one of the initial set of toolbar buttons in the searchbar**, replacing the initial set of toolbar buttons with the subsequent set of toolbar buttons in the searchbar such that (i) the initial and subsequent sets of toolbar buttons are not simultaneously displayed to the user in the searchbar (emphasis added).

However, Chen teaches a toolbar having a scroll control capable of replacing an initial set of toolbar buttons with a subsequent set of toolbar buttons via scrolling buttons on and off the toolbar (see par. 23). **(claim 1; i.e., responsive to said receiving of the single indication from the user, replacing the initial set of toolbar buttons with the subsequent set of toolbar buttons in the searchbar such that (i) the initial and subsequent sets of toolbar buttons are not simultaneously displayed to the user in the searchbar)**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the searchbar as taught by Oren to include a scroll control as taught by Chen to provide the benefit of allowing a user to access toolbar buttons despite limited space on a display (see Chen; par. 2-3, par. 23).

Appellants argue that paragraph [0023] of Chen, merely states that a scroll left (or scroll right) control symbol on a toolbar can be used to shift toolbar buttons.

Obviously, **the scroll control symbol itself would not be removed** as a result of being selected (such an approach would not make any sense). (See Brief; page 5)

As explained above, since both the initial set and subsequent set may have substantially the same toolbar buttons and each set may have a different amount of toolbar buttons, the claim language **does not preclude a partial replacement of the initial set**. Therefore, replacing every toolbar button in an initial set including a scroll control is not necessitated by the claim language.

Appellants argue that there is no motivation found in the prior art to combine the references (see Brief; page 7).

Examiner respectfully disagrees.

Chen teaches motivation in paragraph 2, 3 and 23 (i.e., to provide the benefit of allowing a user to access toolbar buttons despite limited space on a display).

Claim 21

Appellants argue that there is improper combination of Weber with the other references because the motivation to combine is based on the Applicant's disclosure (see Brief; page 8).

Examiner respectfully disagrees.

Weber teaches motivation in paragraph 19 (i.e., to provide the benefit of accessing multiple online categorized search engine services and search the services directly from the browser). In other word, Weber provides a convenient mechanism for searching many resources at one location with the browser.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Henry Orr/
October 26, 2009

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